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**UNITED STATES BANKRUPTCY COURT**

EASTERN DISTRICT OF CALIFORNIA

## FRESNO DIVISION

13 In re

Case No. 17-13797

14 TULARE LOCAL HEALTHCARE  
15 DISTRICT, dba TULARE REGIONAL  
MEDICAL CENTER.

Chapter: Chapter 9

DC No.: WW-41

18

Date: November 15, 2018

Time: 9:30 a.m.

18 Tax ID #: 94-6002897  
Address 869 N. Cherry St.  
19 Tulare, CA 93274

Place: 2500 Tulare Street  
Fresno, CA 93721  
Courtroom 13  
Judge: Honorable René Lastreto II

**STIPULATION TO (1) CONTINUE HEARING ON POTENTIAL ASSUMPTION OF MED  
ONE CAPITAL FUNDING, LLC'S POTENTIAL ASSUMED CONTRACT AND  
(2) SET DEADLINE FOR MED ONE CAPITAL FUNDING, LLC  
TO OBJECT TO CURE AMOUNT**

23 Tulare Local Healthcare District, dba Tulare Regional Medical Center (the  
24 "District"), the debtor in the above-captioned case, and Med One Capital Funding, LLC  
25 ("Med One") (Med One and the District are referred to herein, collectively, as "the  
26 Parties"), hereby stipulate and agree to (1) continue the hearing on the potential  
27 assumption and assignment of Med One's potential assumed contract, and (2) set forth

1 the deadline by which Med One must object to the cure amount for assumption and  
2 assignment of its potential assumed contract, as set forth below.

### 3 STIPULATED FACTS

4 A. On September 30, 2017("Petition Date"), the District commenced its  
5 Chapter 9 case.

6 B. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 157 and  
7 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core  
8 proceeding under 28 U.S.C. § 157(b)(2).

9 C. This stipulation is entered into pursuant to 11 U.S.C. §§ 365 and 901 and  
10 LBR 9019.

11 D. On July 20, 2018, the District filed its Motion for Authority to Enter Into  
12 Transaction Including Borrowing Funds, Sales of Personal Property and Providing  
13 Security, Assumption and Assignment of Contracts and Leases and for Authority to  
14 Lease Real Property Pursuant to 11 U.S.C. Sections 105, 362, 364, 901 and 922, as  
15 well as certain declarations and exhibits in support thereof [Dkt. 603; WW-41]  
16 (collectively, the "Transaction Motion").

17 E. By the Transaction Motion, the District designates Med One as having at  
18 least one "Potential Assumed Contract" ("Med One's Potential Assumed Contract") and  
19 indicates that the amount of the District's default, which default the District must cure to  
20 assume and assign Med One's Potential Assumed Contract under Section 365 of the  
21 Bankruptcy Code, is "\$0.00" (the "Cure Amount").

22 F. On August 1, 2018, the District and Med One entered into and filed a  
23 Stipulation to (1) Extend Deadline for Med One Capital Funding, LLC to Object to  
24 Assumption and Assignment of Potential Assumed Contract; (2) Continue Hearing on  
25 Potential Assumption of Med One Capital Funding, LLC's Potential Assumed Contract;  
26 and (3) Preclude Assumption and Assignment of Med One Capital Funding, LLC's  
27 Potential Assumed Contract Pending Resolution of Cure Amount. [Dkt. 658].

1 G. On August 1, 2018, the Court entered an order approving the Parties'  
2 stipulation, as a result of which, the hearing on assumption and assignment of Med  
3 One's Potential Assumed Contract was continued to November 15, 2018, at 9:30 a.m.,  
4 and the deadline for Med One to object to the Cure Amount was extended to a date to  
5 be agreed upon by the Parties. [Dkt. 675].

6 H. The District and Med One continue to engage in negotiations regarding the  
7 disposition of Med One's Potential Assumed Contract, including the Cure Amount.  
8 Accordingly, the Parties wish to further continue the hearing on assumption and  
9 assignment of Med One's Potential Assumed Contract and set forth the deadline by  
10 which Med One must object to the Cure Amount required for assumption and  
11 assignment of its potential assumed contract.

## **STIPULATION AND AGREEMENT**

13        Subject to Court approval, the District and Med One hereby stipulate and agree  
14 as follows:

1. The foregoing Stipulated Facts are incorporated herein by reference.

16       2. The hearing on assumption and assignment of Med One's Potential  
17 Assumed Contract, which is currently scheduled for November 15, 2018, at 9:30 a.m.,  
18 shall be continued to December 20, 2018, at 9:30 a.m.

19       3. The agreed upon deadline by which Med One must object to the Cure  
20 Amount set forth in the Transaction Motion is December 10, 2018.

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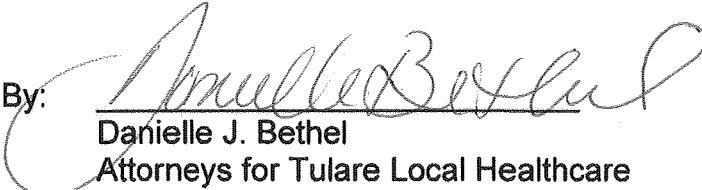
1           4. The District shall not assume nor assign Med One's Potential Assumed  
2 Contract(s) absent a resolution of the Cure Amount and related issues by mutual  
3 consent of the Parties or by further order of the Court.

4           IT IS SO STIPULATED.

5 Dated: 11/2, 2018

6           WALTER WILHELM LAW GROUP

7 By:

8             
Danielle J. Bethel  
9 Attorneys for Tulare Local Healthcare  
10 District, dba Tulare Regional Medical  
Center

11 Dated: November 2, 2018

12           DOWLING AARON INCORPORATED

13 By:

14             
15           Don J. Pool  
16 Attorneys for Med One Capital Funding,  
LLC